

Linda F. Cantor (CA Bar No. 153762)
Jason S. Pomerantz (CA Bar No. 157216)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, California 90067
Telephone: 310-277-6910
Facsimile: 310-201-0760
E-mail: lcantor@pszjlaw.com

Counsel for Weneta M. A. Kosmala, Chapter 7 Trustee for
The Tulving Company, Inc.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

THE TULVING COMPANY, INC., a California
corporation,

Debtor.

Case No.: 8:14-bk-11492-ES

Chapter 7

**NOTICE OF TRUSTEE'S INTENT TO
ABANDON JUDGMENT PURSUANT TO
BANKRUPTCY CODE § 544**

[No Hearing Required, Unless Requested]

**TO THE OFFICE OF THE UNITED STATES TRUSTEE, PARTIES THAT HAVE FILED
REQUESTS FOR SPECIAL NOTICE, AND OTHER INTERESTED PARTIES:**

PLEASE TAKE NOTICE that unless an objection is made and a hearing is timely requested by a creditor or party in interest in the manner set forth below, Weneta M.A. Kosmala, solely in her capacity as the duly appointed Chapter 7 trustee for the Estate of the Tulving Company, Inc., successor to R. Todd Neilson (the "Trustee"), intends to abandon her respective right, title and interest in the judgment in the sum of \$593,434.00, made and entered into on May 6, 2015 in that certain action filed in the Superior Court of California, County of Orange, bearing case number 30-2015-000803280-CU-EN-CJC, entitled R. Todd Neilson as Chapter 7 Trustee for the Tulving Company v. On the Rocks Jewelry and Coins, etc. (the "Judgment"), a copy of which is attached hereto as Exhibit "A".

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

On December 28, 2016, the Trustee filed an *Application for Order Authorizing and Approving the Employment of Creditors Adjustment Bureau Inc., as Collections Agent for the Trustee* (the "Application") to collect upon the Judgment [Docket No. 647]. On January 24, 2017, the Court entered an order approving the Application [Docket No. 654]. Between January and November 2017, after locating a new address for On the Rocks Jewelry & Coins (the "Judgment Debtor"), Creditors Adjustment Bureau ("CAB") made numerous attempts to locate the Judgment Debtor and have it served with a notice for a Judgment Debtor exam. According to information received from CAB, the Judgment Debtor is no longer at the address provided, and further attempts to locate the Judgment Debtor at other addresses have been unsuccessful. After exhausting attempts to collect on the Judgment and determining that the Judgment is uncollectible, the Trustee believes that any further attempt to collect would be unduly burdensome to the Estate, and therefore, intends to abandon her respective right, title and interest in the Judgment.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy Rule 6007-1, a motion is not required for abandonment of estate property and any opposition to the proposed abandonment and any request for a hearing must, not later than 14 days after the date of the service of this Notice, be filed with the Clerk of the Bankruptcy Court and served on: (1) Trustee's counsel at the address in the upper left-hand corner of the first page of this Notice; and (2) the Office of the United States Trustee, 411 W. Fourth Street, Suite 7160, Santa Ana, CA 92701-4593. If no opposition and request for hearing are timely filed and served, the Trustee may thereafter take the proposed action in her sole discretion. Any objections not timely filed and properly served will be deemed waived.

PACHULSKI STANG ZIEHL & JONES LLP

Dated: May 16, 2018

By /s/ Linda F. Cantor
Linda F. Cantor

Counsel for Weneta M.A. Kosmala,
Chapter 7 Trustee

Exhibit A

EJ-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, State Bar number, and telephone number):

Recording requested by and return to:

Jason S. Pomerantz (SBN 157216)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard, 13th Floor
Los Angeles, California 90067

TEL NO.: 310-277-6910 FAX NO. (Optional): 310-201-0760

E-MAIL ADDRESS (Optional): jspomerantz@pszjlaw.com

☒ ATTORNEY FOR ☒ JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

STREET ADDRESS: 700 Civic Center Drive West

MAILING ADDRESS: 700 Civic Center Drive West

CITY AND ZIP CODE: Santa Ana, California 92701

BRANCH NAME: Central Justice Center

FOR RECORDER'S USE ONLY

PLAINTIFF: R. TODD NEILSON, AS CHAPTER 7 TRUSTEE FOR THE
TULVING COMPANY

DEFENDANT: ON THE ROCKS JEWELRY AND COINS, ETC.

CASE NUMBER:

30-2015-000803280-CU-EN-CJC

ABSTRACT OF JUDGMENT—CIVIL
AND SMALL CLAIMS

☐ Amended

FOR COURT USE ONLY

1. The ☒ judgment creditor ☐ assignee of record
applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

On the Rocks Jewelry and Coins
201 N. El Camino Real
San Clemente, CA 92672

b. Driver's license no. [last 4 digits] and state:

☒ Unknown

c. Social security no. [last 4 digits]:

☒ Unknown

d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):
Confession of Judgment served by mail on August 6, 2015 to: On the Rocks Jewelry & Coins, 201 N. El Camino
Real, San Clemente, CA 92672 [plus names/addresses listed on page 2 and Attachment 16]

Pursuant to California Government
Code § 68150(f), the Clerk of the
Court hereby certifies this document
accurately reflects the official court
record. The electronic signature and
seal on this document have the
same validity and legal force and
effect as an original clerk's
signature and court seal. California
Government Code § 68150(g).

2. ☒ Information on additional judgment debtors is shown
on Attachment 16.
3. Judgment creditor (name and address):
R. Todd Neilson, as Chapter 7 Trustee for the Tulving Company, Inc.
c/o Pachulski Stang Ziehl & Jones, LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, California 90067

4. ☐ Information on additional judgment creditors
is shown on page 2.

5. ☐ Original abstract recorded in this county:

a. Date:

b. Instrument No.:

Date: October 26, 2015

Jason S. Pomerantz

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed:
\$593,434.00 (plus interest as applicable)

7. All judgment creditors and debtors are listed on this abstract.

8. a. Judgment entered on (date): August 6, 2015
b. Renewal entered on (date):

9. ☐ This judgment is an installment judgment.

10. ☐ An ☐ execution lien ☐ attachment lien
is endorsed on the judgment as follows:

a. Amount: \$

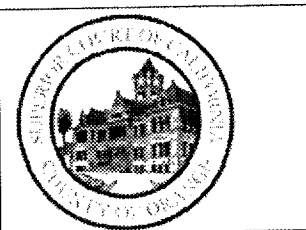
b. In favor of (name and address):

11. A stay of enforcement has

- a. ☒ not been ordered by the court.
b. ☐ been ordered by the court effective until
(date):

12. a. ☒ I certify that this is a true and correct abstract of,
the judgment entered in this action,
b. ☐ A certified copy of the judgment is attached.

Clerk, by Mary M Johnson, Deputy
Mary M Johnson



Alan Carlson, Clerk of the Court

This abstract issued on (date):

November 3, 2015

PLAINTIFF: **R. TODD NEILSON, AS CHAPTER 7 TRUSTEE FOR THE
TULVING COMPANY**
DEFENDANT: **ON THE ROCKS JEWELRY & COINS, ETC.**

COURT CASE NO.:
30-2015-00803280-CU-EN-CJC

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):

14. Judgment creditor (*name and address*):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Desirea Sloan

265 W. Marquita, Unit 4
San Clemente, CA 92672

Driver's license no. [last 4 digits] and state:

☒ Unknown

Social security no. [last 4 digits]: 4582

☐ Unknown

Summons was personally served at or mailed to (*address*):

Not Applicable (Confession of Judgment)

17. Name and last known address

David Halpin

265 W. Marquita, Unit 4
San Clemente, CA 92672

Driver's license no. [last 4 digits] and state:

☒ Unknown

Social security no. [last 4 digits]: 5090

☐ Unknown

Summons was personally served at or mailed to (*address*):

Not Applicable (Confession of Judgment)

18. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

19. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

20. ☐ Continued on Attachment 20.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067**

A true and correct copy of the foregoing document entitled **NOTICE OF TRUSTEE'S INTENT TO ABANDON JUDGMENT PURSUANT TO BANKRUPTCY CODE § 544** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **May 16, 2018**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **May 16, 2018**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **May 16, 2018**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Federal Express

The Honorable Erithe A. Smith
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5040
Santa Ana, CA 92701-4593

On the Rocks, Sloan and Halpin
Email: myfairlady1600@gmail.com

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 16, 2018

Date

Janice G. Washington

Printed Name

/s/Janice G. Washington

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

DOCS_LA:312907.1 59935/002

F 9013-3.1.PROOF.SERVICE

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Michael R Adele on behalf of Defendant
Armen Haig Gugasian
techlitcenter@yahoo.com, kadele@wgllp.com

david.gibbs@gibbslaw.com,
ecf@gibbslaw.com

Michael R Adele on behalf of Defendant
Levon Gugasian
techlitcenter@yahoo.com, kadele@wgllp.com

Nancy S Goldenberg on behalf of U.S. Trustee
United States Trustee (SA)
nancy.goldenberg@usdoj.gov

Wesley H Avery on behalf of Consumer
Privacy Ombudsman Wesley H Avery
wamiracle6@yahoo.com,
wavery@rpmlaw.com

Lawrence J Hilton on behalf of Creditor
Jeffrey Roth
lhilton@onellp.com,
lthomas@onellp.com;info@onellp.com;jander
son@onellp.com;crodriguez@onellp.com;lit
@oneil-llp.com

Candice Bryner on behalf of Creditor
Giuseppe Minuti
candice@brynerlaw.com

James KT Hunter on behalf of Plaintiff R.
TODD NEILSON
jhunter@pszjlaw.com

Candice Bryner on behalf of Interested Party
Candice Bryner
candice@brynerlaw.com

James KT Hunter on behalf of Plaintiff R.
Todd Neilson
jhunter@pszjlaw.com

Philip Burkhardt on behalf of Other
Professional Karen Duddleston
phil@burkhardtandlarson.com,
stacey@burkhardtandlarson.com

John H Kim on behalf of Creditor Ford Motor
Credit Company LLC
jkim@cookseylaw.com

Stephen L Burton on behalf of Attorney
Stephen L. Burton
steveburtonlaw@aol.com,
ellie.burtonlaw@gmail.com

Weneta M Kosmala (TR)
ecf.alert+Kosmala@titlexi.com,
wkosmala@txitrustee.com;dmf@txitrustee.co
m;kgeorge@kosmalalaw.com

Frank Cadigan on behalf of U.S. Trustee
United States Trustee (SA)
frank.cadigan@usdoj.gov

Nanette D Sanders on behalf of Creditor
Levon Gugasian
becky@ringstadlaw.com

Linda F Cantor, ESQ on behalf of Other
Professional Pachulski Stang Ziehl & Jones
LLP
lcantor@pszjlaw.com, lcantor@pszjlaw.com

Richard C Spencer on behalf of Interested
Party Courtesy NEF
rspencer@rspencerlaw.com

David L Gibbs on behalf of Creditor Kenneth
W Stach

United States Trustee (SA)
ustpregion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

On The Rocks Jewelry & Coins
201 N. El Camino Real
San Clemente, CA 92672

Attorney for Defendants On the Rocks
Jewelry & Coins, David Halpin and
Desirea Sloan
Harlene Miller, Esq.
Harlene Miller Law
17910 Sky Park Circle, Suite 105
Irvine, CA 92614

Desirea Sloan David Halpin
265 W. Marquita Unit 4
San Clemente, CA 92672

David Halpin
265 W. Marquita Unit 4
San Clemente, CA 92672

Chapter 7 Trustee
Weneta M.A. Kosmala
3 MacArthur Place, Suite 760
Santa Ana, CA 92707

Attorneys for Debtor
James F. Wyatt, III
Wyatt & Blake, LLP
435 East Morehead Street
Charlotte, NC 28202

Laurence P Nokes on behalf of Interested
Party John Frankel
Nokes & Quinn
410 Broadway St Ste 200
Laguna Beach, CA 92651

Brent Murdoch
Murdoch & Morris, LLP
114 Pacifica, Ste. 320
Irvine, CA 92618

Interested Party
Frye & Hsieh
Douglas J Frye Esquire
24955 Pacific Coast Highway # A201
Malibu, CA 90265

Counsel for Creditor Levon Gugasian
Nanette D. Sanders, Esq.
Ringstad & Sanders LLP
2030 Main Street, Suite 1600
Irvine, CA 92614

Benjamin Bain-Creed
Assistant United States Attorney
Florida Bar #0021436
Suite 1650, Carillon Building
227 West Trade Street
Charlotte, North Carolina 28202

Sharon Kopman
Oak Point Partners
P.O. Box 1033
Northbrook, IL 60065-1033